

ALASKA STATE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY
Personnel Office

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MEMORANDUM

To: Jessica Geary
Executive Director

From: Skiff Lobaugh
Human Resources Manager

Date: January 10, 2019

Subject: Staffing without House Organization

Please be aware that issues regarding session staff may arise if the House of Representatives does not organize by the time the interim authorization for staff has expired. Under the current contingency plan, the Speaker of the House for the 30th Alaska State Legislature has temporarily approved staff using interim funding up to and including January 15, 2019. However, if the House does not organize, session staff will not be authorized beginning January 16, 2019.

- Uniform Rule 1(c) allows for Legislative Council to hire administrative staff to assist the Lt. Governor and the Speaker Pro-Tempore to organize. These staff have historically been defined as the Chief Clerk's Office and the Floor Staff. Historically the Executive Director of the Legislative Affairs Agency, has approved retention of staff for the Chief Clerk's office and the Floor Staff.
- AS 24.10.060(a) and Uniform Rule 3 state that session employees must be approved by the rules committee of each body. This means that only a House Rules Chair may authorize session staff for the House of Representatives.
- Staff who do not have an authorization (which would be all staff other than the staff in the Chief Clerk's office and the Floor Staff) should not work past January 15, 2019. If staff continue to work without authorization liability issues may arise.
- Staff who are not authorized are not considered employees and therefore may not be covered under certain legislative polices.

There are some aspects of the contingency plan that staff who have been temporarily authorized should be aware of with respect to benefits and pay. With regard to compensation, without an authorization to work, session staff will not be paid. Without being authorized, this session may not count towards the 100-day threshold for step placement for session staff. With respects to health insurance benefits, depending on the employee, individuals will be affected differently.

- Continuing employees will have health insurance through the end of the month they last worked, in this situation that would be January 31, 2019.
- Employees who return from layoff will have health insurance through the end of the month they last worked, in this situation that would be January 31, 2019. The insurance system will have issues with conflicting information being reported on our employees since they will report as both active and inactive. The conflict could jeopardize our employees ability to

select their benefits within their 30 day window for enrollment. Even though they are eligible for health insurance they will most likely not report to the AlaskaCare administrators as eligible.

- Newly hired employees have a 30-day waiting period for health insurance, so in a normal situation they would not be eligible for their benefits until February 7, 2018. It is also important to note that if an employee goes into leave without pay (e.g. not authorized to work) their health insurance eligibility date is reset. This means that the employee's health insurance eligibility date would be 30 days after the House organizes and the employee is authorized to work.

There is the potential that, after the House organizes, the selected House Rules Chair could make authorizations for all employees retroactive to January 16, 2019. The Personnel Office will work to make all employees whole as quickly as possible, but it will take time. Unfortunately, if the lack of organization goes on too long, the employees will have reported to all the benefit systems as ineligible and that takes quite a while to rectify. It is very possible that if the House does not organize there will be session employees who will not be able to utilize their benefits, even though they are required to pay for them.